



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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September 3, 1997
AO-97-17

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Frank G. Cousins, Jr.
Essex County Sheriff
18 Cherry Street
Newburyport, MA 01950

Re: Use of public resources for community outreach

Dear Sheriff Cousins:

This letter is in response to your August 19, 1997 request for an opinion regarding the distribution of plastic deputy badges at community events.

Question

You have asked if officers of the Sheriff's department may, during their workday, participate in community events (e.g., march in parades) and hand out plastic deputy badges bearing your name and the name Essex County, to children. The badge would not state "elect" or "re-elect." You believe that the badges will enhance the visibility of your office in the community.

Answer

Yes, assuming the primary purpose of the officers' participation in the event is to assist you in fulfilling your governmental duties.

Discussion

In Anderson v. City of Boston, 376 Mass. 178 (1978), the Supreme Judicial Court concluded that the City of Boston could not appropriate funds, or use funds previously appropriated for other purposes, to influence a ballot question submitted to the voters at a State election. The court stated that the campaign finance law demonstrates an intent "to assure fairness of elections and the appearance of fairness in the electoral process" and that the law should be interpreted as prohibiting the use of public funds "to advocate a position which certain taxpayers oppose." 376 Mass. at 193-195.

Consistent with Anderson, this office has concluded that governmental entities may not expend public resources for any political purpose. "Public resources" are defined broadly to include "anything that is paid for by taxpayers," including staff time. See IB-91-01.

Public resources may, however, be used to pay for bona fide governmental purposes including community outreach.¹ The campaign finance law does not prohibit the use of public resources primarily to promote a governmental purpose, such as the enhancement of your office's visibility (even

¹ Campaign funds could also be used for community outreach. See M.G.L. c. 55, s. 6 (which states that constituent services are not within the definition of "personal use").

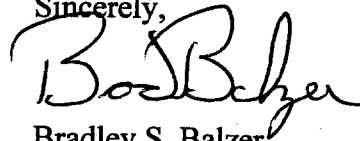
if such activity may, in addition, provide you with a political benefit). For example, newsletters which keep constituents informed of an elected officer's legislative activities (even if such newsletters also have the effect of enhancing the candidate's political future) may be distributed using public funds.

Similarly, your staff may appear at parades to distribute the badges described in your letter if the primary purpose of the activity is to assist you in fulfilling your governmental duties.

This opinion is issued on the basis of representations in your letter, and solely within the context of the campaign finance law.

I encourage you to contact us in the future if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Balzer", written over the printed name.

Bradley S. Balzer
Deputy Director

MJS/cp